

position, if it should not be withdrawn, he only wished to be understood as preferring it to the plan for which it was proposed as a substitute. If it should be adopted, he should then be prepared to vote for any other instead of this, which should appear to him more acceptable.

Mr. SCHLEY signified his willingness to withdraw the proposition if it could come up again to-day, as he expected to leave to-morrow.

Mr. CHAMBERS suggested that it could be reached by a reconsideration, if the question should be decided.

Mr. SCHLEY thereupon withdrew his amendment.

Mr. MERRICK moved to amend the section by striking out to the word "rule," inclusive, and inserting the following:

"The members of the House of Delegates shall be apportioned to the several counties of the State and the city of Baltimore, in conformity with the following rule."

The amendment was agreed to.

On motion of Mr. MERRICK,

The second section was further amended by adding at the end thereof the following:

"And the Legislature shall, at their first regular session after the authoritative pronouncement of each decennial census of the people of the United States, declare by resolution the number of Delegates to which each county and city in the State may be entitled, according to the basis herein fixed, and the returns of said census."

The question then occurred on the substitute amendment of Mr. FIERY.

Mr. STEWART, of Baltimore city, asked the yeas and nays,

Which were ordered.

Mr. JENIFER. I would ask the gentleman what is the result of that ratio?

The Clerk read the column of the table heretofore given.

Mr. JENIFER said that the principle of representation by counties, simply having been abandoned, it was only left to adopt a system regardless of those considerations. In looking over all these plans, that given in the fifth column of the tabular statement, agreed very nearly with his views upon the subject of representation. He would have the representation restored to Baltimore and Frederick counties, making seventy-five instead of seventy-three. He would then proceed to increase the minimum representation of the counties, from two to three representatives. There would be nine counties receiving each an additional representative, making in all eighty-two. Baltimore city would then have ten members, Frederick county six, Baltimore county six, and the other counties in proportion. He should consider that as a more equitable distribution of the representation, than any plan proposed. If the gentleman moving this proposition would adopt that, he had no hesitation in saying that he would vote for it.

As to the principle of the representation, it was the result to which he looked. If the various counties and Baltimore city, had a proper representation, he would be satisfied with the means

by which it should be accomplished, whatever they should be called. If it was upon population, or upon federal basis, it made little difference, if the result was the same. The basis was not established upon the aggregate population, not exclusively upon territory. There was no fixed principle, but it was a matter of compromise. One gentleman might agree to the result from entirely different motives from those which would actuate another. He wished to do justice to every county—to see every county fairly represented in the House of Representatives, as well as in the Senate. If the representation in the Senate, as it now stood, was not fair, he was willing to make a compromise, and to give an increased representation to a larger county. But if the principle of territory should be departed from, he should fall back upon the report made by the minority of the committee, submitted by the gentleman from Kent, (Mr. Chambers.) He should prefer giving Baltimore city ten or even twelve representatives in the lower House, than to give it two Senators. The great principle would be infringed the moment the senatorial powers were touched. Baltimore city was as much entitled to four Senators as two, should the present basis be broken down as regards the Senate.

He would therefore be ready to support the proposition, to return to Frederick and Baltimore counties the representation, making seventy-three in all, giving Baltimore city ten, which would be one for every two wards, and bringing all the smaller counties up to three representatives, making the total number eighty-two. This was the compromise he was willing to agree to; because he desired that the Constitution should be of such a character as would take away just cause of dissatisfaction from all parts of the State.

Mr. J. said, make what constitution you please, some would be dissatisfied. The extremes of republican doctrine, of representation according to numbers, and the anti-deluvian system of no change, he placed in the same category. Yet the latter had its advantage. Maryland had flourished and been happy under the present Constitution. But a change, a reform was demanded at our hands—he was for gratifying that expectation.

Mr. MERRICK said:

That he had been willing to allow Baltimore city two Senators, because the great amount of business in a large and growing commercial city required the attention of more than one man. He did not perceive any greater violation of principle in this, than in giving the city a single Senator.

If the territorial plan were strictly carried out, the county would have one Senator, and the city none at all, independent of the county. He was willing to give two Senators, but if in making up the plan for representation, it was found best to give but one, he should accept the plan as an entirety. If the Convention thought differently from him, let this provision be stricken out, but let it not be made an objection to the whole scheme.

The question was then taken on the substitute